

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICKIE YATES,

Plaintiff,

v.

GUARDIAN LONG-TERM DISABILITY
BENEFITS PLAN,

Defendant.

No. CV-05-131-FVS

ORDER OF DISMISSAL

BEFORE THE COURT is the Plaintiff's Notice of Voluntary Dismissal With Prejudice Pursuant to Federal Rule of Civil Procedure 41(a), Ct. Rec. 3. Dismissal is appropriate in this action because the Defendant has not yet served its answer and because the Court has been advised that the parties have settled their dispute. Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this Order, furnish copies to counsel, and **CLOSE THE FILE**.

DATED this 14th day of September, 2005.

s/Fred Van Sickle
Fred Van Sickle
United States District Judge